

**STATE OF INDIANA – COUNTY OF ALLEN
IN THE ALLEN CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Amendment of Local Rule for a Caseload Allocation Plan for the
Courts of Record of Allen County
September 28, 2010**

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Allen Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule setting forth the caseload allocation plan for the courts of record of Allen County, effective January 1, 2011. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on September 28, 2010, and shall close on October 28, 2010. The proposed amendments to the rule will be adopted, modified or rejected before November 28, 2010, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than December 28, 2010.

Comments by the bar and the public should be made in writing and mailed to:

Hon. Charles F. Pratt, Judge of the Allen Superior Court, Attn: Public Comment on Local Rules,
Allen County Courthouse, 715 South Calhoun Street, Room 207, Fort Wayne, Indiana, 46802.

A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Allen County, Allen County Courthouse, 715 South Calhoun Street, Room 201, Fort Wayne, IN, 46802, during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.allencounty.us/courts/clerk-of-the-courts>

or <http://www.in.gov/judiciary/rules/local>

Thomas J. Felts, Judge
Allen Circuit Court

Charles F. Pratt, Chief Judge
Allen Superior Court

2008/2009 2010-2011 CASELOAD ALLOCATION PLAN
FOR ALLEN COUNTY COURTS

LR02-AR1E-1 Allen County Caseload Allocation Plan. - 2008/2009

(A) Domestic Relations (DR) ~~pro-se~~ cases with self represented litigants

New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation (~~otherwise known as pro-se divorcees~~), shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.

(B) Mortgage Foreclosures (MF)

- (1) ~~50%~~ 10% shall be filed in Circuit Court, and
- (2) ~~50%~~ 90% shall be filed in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3 and Superior 9).

(C) Civil Collections (CC)

Civil Collection (CC) cases shall be assigned in the proportion of ~~55%~~ 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3 and Superior 9). ~~and 45% in the Circuit Court, as assigned by the Clerk's Office.~~

(D) Criminal Cases:

- (1) All felony and misdemeanor cases are allocated as provided By LR02-CR2.2-1.
- (2) All infractions (IF), and ordinance violations (OV, OE) shall be filed in Superior Court.
- (3) All Superior FD cases shall be allocated as follows: 50% Superior 4, 30% Superior 5 and 20% Superior 6.

(E) Other Civil Cases

- (1) All small claims (SC), mental health (MH), guardianships (GU), estates (EU/ES), trusts (TR), and protection orders (PO) shall be filed in Superior Court.
- (2) Civil plenary (PL) ~~, civil torts (CT), and civil miscellaneous (MH)~~ cases may be filed in Circuit Court or Superior Court. Superior PL cases shall be divided equally among Superior 1, Superior 2, Superior 3 and Superior 9.
- (3) All MH cases shall be divided equally among Superior 1, Superior 2, Superior 3 and Superior 9.

(F) **Civil Tort (CT)**

100% civil tort claims (CT) will be filed with the Superior Court, divided equally among Superior 1, Superior 2, Superior 3 and Superior 9.

(G) **Civil Miscellaneous (MI)**

Property tax cases, property forfeiture cases and name change cases shall be filed in Circuit Court. All other civil miscellaneous (MI) cases shall be filed in Superior Court.

~~(F)~~ (H) **Juvenile Cases**

- (1) All juvenile CHINS (JC), juvenile delinquency (JD), juvenile status (JS), juvenile termination (JT), juvenile miscellaneous (JM) and adoptions (AD) shall be filed in Superior Court.
- (2) Juvenile paternity (JP) cases may be filed in Circuit Court or Superior Court.

~~(G)~~ (I) **Other Family Cases**

- (1) Domestic relations (DR) and reciprocal support (RS) cases may be filed in Circuit Court or Superior Court.
- (2) Of the DR cases filed in Superior Court 75% shall be filed in Superior 7 and 25% in Superior 8.